

REMARKS

Claims 1-7 are pending in the application. Favorable reconsideration of the application, as amended, is respectfully requested.

I. AMENDMENTS TO THE SPECIFICATION AND CLAIMS

The specification and/or claims have been amended to address the issues noted by the Examiner in paragraphs 1 and 2 of the Office Action.

The abstract of the disclosure was objected to for using legal phraseology. The abstract has been amended thereby rendering the objection moot.

The title of the invention was objected to as being non-descriptive. The manner in which the Examiner considers the title to be non-descriptive is not set forth in the Office Action. Clarification of this objection is respectfully requested.

II. REJECTION OF CLAIMS UNDER 35 USC § 112

Claim 7 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Withdrawal of the rejection is respectfully requested for at least the following reason.

Claim 7 sets forth a method for producing a worn article comprising, *inter alia*, processing a portion of the **cover sheet** to be **tearable**; **carrying** the web in a longitudinal direction of the **web**; placing the member forming the **absorbent portion** on the web so that the member overlaps at least a portion of the web; and placing the member forming the absorbent portion on the **cover sheet** so that the member overlaps at least a portion of the cover sheet processed to be tearable.

Pages 14-19 of the specification disclose the production methods of the invention. In particular, paragraphs [0040] and [0041] recite:

[0040] Now, a method for producing the cover sheet 4 will be described.

A whole cloth sheet (resin film) 105 is divided into two sheets 105F and 105B by a slitter 71. The **tearable** portion 41 is formed by a die cutter 72 in the

sheet 105F, one of the two sheets 105F and 105B that is to be the sheet to cover the abdominal-side portion 1F. Moreover, small cut-off pieces of the fastener member 7 on a roll 73 are bonded onto the sheet 105F.

[0041] Then, the sheets 105F and 105B are **carried** toward the re-pitching/turning drum 67 in a parallel arrangement. On the drum 67, the **absorbent portion 2** is placed onto the pair of sheets 105F and 105B so that the **absorbent portion 2** bridges therebetween, thereby producing a combined member 106 (FIG. 10(a)). An end portion 123 of the **absorbent portion 2** that is to be the first end portion 23 is covered by the **tearable** portion 41 of the sheet 105F and the vicinity thereof.

In view of the foregoing, it is respectfully submitted that claim 7 is enabled. Should the Examiner remain of the position that claim 7 is not enabled, Applicant requests the Examiner explicitly state which feature of the claim is considered not enabled so as to allow Applicant to better respond.

Regarding the rejections of claims 1-7 as being indefinite, claims 1-7 have been amended thereby rendering the rejections moot.

III. REJECTION OF CLAIMS UNDER 35 USC §102(b)

Claims 1- 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. (EP 0 763 353). Withdrawal of the rejection is respectfully requested for at least the following reason.

The presently claimed invention provides a worn article having cover-sheet that prevents an absorbent portion detachably attached to the fitting portion from inadvertently coming off the fitting portion. The coversheet covers at least part of the absorbent portion detachably attached to the fitting portion.

Accordingly, claim 1 sets forth a worn article comprising, *inter alia*, a fitting portion adapted to fit around a torso of a wearer, and an absorbent portion adapted for covering a crotch of the wearer and absorbing body fluid from the wearer, wherein:

the absorbent portion includes a first end portion and a second end portion that are connected to the fitting portion; the first end portion of the absorbent portion is detachable from the fitting portion; and a cover sheet covering at least a portion of an exterior surface of the first end portion, wherein the cover sheet is at least partially removable to expose the first end portion of the absorbent to an exterior of the wear article for detaching the absorbent from the fitting portion.

Ono et al., with reference to Fig. 2 reproduced below, appears to disclose a disposable absorbent undergarment comprising pants 1 and an absorbent pad 3 that is releasably securable to suspending flaps 20A and 20B which are in turn secured to pants 1 on an inner side of a waist opening. Ono et al. does not disclose an absorbent secured to a fitting portion or a cover sheet covering at least a portion of an exterior surface the first end portion of the absorbent, wherein the cover sheet is at least partially removable to expose the first end portion of the absorbent to an exterior of the wear article for detaching from the fitting portion as set forth in claim 1.

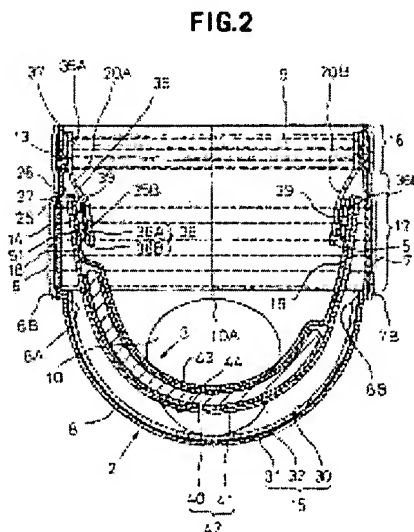


FIG. 2 of ONO

Moreover, Ono et al. teaches away from securing an absorbent to the fitting portion as set forth in claim 1. For example, Ono et al. states that "when the

abovementioned known technique is applied to such an undergarment so that an absorbent pad corresponding to said insert may be detachably attached to the pants corresponding to said overgarment adjacent to the waist-opening, said gathers formed along the peripheral edge extending along the waist line would obstruct operation of said attachment and the pad could not be attached to the pants over an area required to achieve a reliable attachment (column 1, line 27-36). Accordingly, Ono would appear to teach away from securing an absorbent to a fitting portion as set forth in claim 1.

In view of the foregoing, claim 1, and claims 2-7 dependent thereon, are believed to be patentable over Ono et al.

Claim 5 recites that a tearable portion for tearing the cover sheet is formed in the cover sheet by processing the cover sheet so that at least a portion of the first end portion of the absorbent portion will be exposed to an exterior of the article when the cover sheet is torn along the tearable portion. The Examiner equates the suspending flaps 20A and 20B to the cover sheet, and appears to be of the position that such flaps can be torn although nothing in Ono et al. has been shown to support such position.

Ono et al. merely describes Fig. 1 as a perspective view, partially broken away, of incontinence pants (column 2, line 19-21), and Fig. 3 as a plan view, partially broken away, of the incontinence pants (column 2, line 24-26). In Figs. 1 and 3, the suspending flaps 20A and 20B, are shown via solid lines. Thus, nothing in Ono et al. has been shown to indicate that such flaps have a tearable portion formed therein as set forth in claim 5.

Accordingly, claim 5 is believed to be allowable for this additional reason.

IV. CONCLUSION

Accordingly, all claims 1-7 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Serial No.: 10/596,258

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

The absence in this reply of any comments on the other contentions set forth in the Office Action should not be construed to be an acquiescence therein. Rather, no comment is needed since the rejections should be withdrawn for at least the foregoing reasons.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Daniel R Ling/

Daniel R. Ling, Reg. No. 53,223
Mark D. Saralino, Reg. No. 34,243

DATE: April 1, 2009

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

Z:\SEC182\MDS\YMMR\P0105US\P0105US-R01.DOC